



THE CITY OF SAN DIEGO

REPORT TO THE HEARING OFFICER

HEARING DATE: January 12, 2005 REPORT NO. HO 05-013

ATTENTION: Hearing Officer

SUBJECT: OPAL STREET MAP WAIVER
PROJECT NUMBER: 40819

LOCATION: 828 - 830 Opal Street

APPLICANT: Tom Armstrong

SUMMARY

Requested Action - Should the Hearing Officer approve MapWaiver No. 132376, Coastal Development Permit No. 132375, and waive the requirement to underground existing overhead utilities to convert two existing residential units into condominium ownership on a 0.143 acre site?

Staff Recommendation -

1. APPROVE Map Waiver No. 132376
2. APPROVE Coastal Development Permit No. 132375;
3. APPROVE wavier to the requirement for the undergrounding of the existing overhead utilities.

Community Planning Group Recommendation – None was provided.

Environmental Review – This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Article 19, Section 15301(k), Existing Facilities.

BACKGROUND

The 0.143 acre project site is located at 828 and 830 Opal Street, between Mission Boulevard and Bayard Street, in the Pacific Beach Community Planning area (Attachment 1). A one-story dwelling unit with an attached garage is located in the front of the property facing Opal Street. A second-story dwelling unit with attached garages resides in the rear yard abutting the alley. One dwelling unit was constructed in 1947 and the second dwelling unit was constructed in 1976. The site was zoned R-2 during the entire history of the subject property and permitted two units. The RM-1-1 zone, established in January 2000, replaced the R-2 (R-2000) zone that had been applicable since December 1942. The proposed subdivision complies with applicable zoning and development regulations as existing previously conforming development of the Land Development Code Section 127.0102. The site is surrounded by multi-family development. The neighborhood is zoned RM-1-1. The low-medium residential density, 9-14 dwelling units per acre, designation of the Pacific Beach Community Plan is consistent with RM-1-1 zone regulations (Attachment 2). The urbanized site does not contain nor is adjacent to the Multi-Habitat Planning Area.

DISCUSSION

The project proposes to waive the Tentative Parcel Map for the subdivision of a 0.143-acre site to convert two residential units into condominiums on two existing lots. The applicant is also requesting the requirement for the undergrounding of existing overhead utilities to be waived.

The subdivider may request a waiver of the parcel map requirements pursuant to the Subdivision Map Act, Sections 66428 and 66428.1. According to San Diego Municipal Code Section 125.0122, Findings for Map Waivers, the decision maker may approve a Map Waiver if the decision maker finds the proposed Map Waiver complies with requirements of the Subdivision Map Act and the Land Development Code.

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request is consistent with the guidelines of Council Policy 600-25, Underground Conversion of Utility Lines at the Developer's Expense. The conversion involves a short span of overhead facilities is less than a full block in length, and the conversion would not represent a logical extension to an undergrounding facility.

The requested conversion of these existing residential units to condominiums represents primarily a change in ownership and no other development is proposed with this application. The proposed subdivision complies with applicable zoning and development regulations as existing previously conforming development of the Land Development Code Section 127.0102. The project is exempt from the California Environmental Quality Act pursuant to Article 19, Section 15301- existing facilities. This condominium conversion project is also subject to the

Inclusionary Housing Ordinance and the applicant has chosen to pay the In-Lieu Fee pursuant to Section 142.1310 of the San Diego Municipal Code. The property owner has informed City staff that no tenants reside in either dwelling units and thus, is not subject to the tenant relocation assistance regulations.

CONCLUSION:

Staff has reviewed the request for a Map Waiver for the conversion of the two existing residential units into condominiums and to waive the requirements to underground the existing overhead utilities. Staff has determined the project to conform to sections 125.0122 (Map Waiver) and 144.0240 (Underground) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, and Council Policy 600-25 regulating undergrounding of existing overhead utilities.

Staff has determined the development is consistent with the residential land use designation of the Pacific Beach Community Plan and the required findings can be supported. Staff recommends the Hearing Officer acknowledge the environmental exemption, and approve Map Waiver No. 132376, Coastal Development Permit No. 132375, and waive the requirement to underground existing overhead utilities.

ALTERNATIVES

1. Approve Map Waiver No. 132376, Coastal Development Permit No. 132375, and waive the requirement to underground existing overhead utilities, with modifications.
2. Deny Map Waiver No. 132376, Coastal Development Permit No. 132375, and the waiver to the requirement to underground existing overhead utilities, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Cherlyn T. Cac, Development Project Manager

Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Draft Coastal Development Permit with Conditions
4. Draft Coastal Development Permit Resolution with Findings
5. Draft Map Conditions and Subdivision Resolution
6. Ownership Disclosure Statement